



**State of New Jersey**  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN  
*Governor*

DEBORAH T. PORITZ  
*Attorney General*  
MARK S. HERR  
*Director*

February 5, 1996

*Mailing Address:*  
P.O. Box 45020  
Newark NJ 07101  
(201) 504-6500

Jay Kim, DVM  
George Cattiny, DVM  
Pompton Lakes Animal Hospital  
9 Cannon Ball Road  
Pompton Lakes, New Jersey

Dear Drs. Kim and Cattiny:

This is to advise you that the New Jersey State Board of Veterinary Medical Examiners has had an opportunity to review the enclosed advertisement wherein you offer free physical examinations for new patients, free house or farm calls and 10% off spays and neuters.

The Boards initial review discloses what appears to be a violation of N.J.A.C. 13:44-4.8(e)2 which provides that:

"Offers of discount or fee reductions shall indicate the fixed or stated range of fees against which said discount is to be made. Where an "across the Board" discount is offered, such as "10% of all fees", the advertisement shall at the least include a list of the regular fees of common, representative services along with a statement that a complete list of veterinary services and the regular fees therefore is available for examination at the veterinarian's office".

The Board has therefore assessed a \$600 penalty for the above cited violations; \$200 for the offering of a free service without indicating the fixed or stated range of fees against which the free service was being offered; \$200 each for the offering of a 10% discount for spays and neuters without indicating the fixed or stated range of fees against which the discounts are being made. You are hereby offered the opportunity to settle this matter and avoid the initiation of formal disciplinary proceeding by signing the enclosed certification, paying a civil penalty of \$600 and Ceasing and Desisting from said inappropriate advertising.

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Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The board may consider this statement and render a final decision. You may also request a hearing in which case the matter will be scheduled and this Uniform Penalty letter will serve as the Attorney General's Complaint. At the hearing you may, either personally or with the assistance of counsel, submit such testimony or other evidence as you may deem necessary in order for the Board to finally determine whether the unlawful acts set forth herein have been proven.

Please be advised that if you request a hearing, the Board will not be bound by the terms stated in this letter, and may, after presentation and evaluation of all the evidence presented, impose any sanctions contained in N.J.S.A. 45:1-22, which include revocation or suspension of license, as well as assessment of penalties up to \$2,500 per violation. You should also be aware that the Board may assess civil penalties in an amount greater than that herein offered in settlement. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring the restoration of any monies acquired by unlawful acts and the payment of all costs involved in this matter. The Board may also direct that you cease and desist from continued practice of acts found to be unlawful.

The enclosed certification should be signed and returned to the Board with your indicated course of action within ten (10) days following receipt hereof. In the event that the Board receives no response within ten (10) days, the allegations contained herein shall be deemed admitted and the Board will proceed to finally review this matter and enter an appropriate final Order in relation hereto.

Very truly yours,



Charles A. Janousek  
Executive Director

CAJ:nl

Enc.

cc: Brenda Lewis, DAG

### CERTIFICATION

X

I, Jay Kim, DVM and George Cattiny, DVM of the Pompton Lakes Animal Hospital, hereby admit to the violations cited herein and remit herewith a certified check or money order in the amount of \$600.

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I admit to the violations cited herein but wish to submit a written explanation to the Board to use as a mitigating factor in determining a final civil penalty.

\_\_\_\_\_

I am not guilty of this violation and request an administrative hearing on this matter.

[Signature]  
Signature

2/10/96  
Date

[Signature]  
Signature

2/10/96  
Date

check # 1453  
\$ 600.00  
✓